

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED

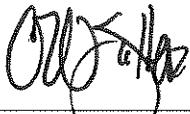
JUN - 5 2024

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

THE COMMUNITY CHURCH OF :
CHESTERLAND, et al. :
: Plaintiffs, :
: :
v. : : Civil Action No. 1:2024-cv-00642
: :
: :
AIMENN D. PENNY, et al. :
: : Defendants. :
:

**MOTION FOR AN EXTENSION OF TIME TO ANSWER
OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT**

Defendants Bradon Perdue and Sherri Perdue, by and through undersigned counsel and pursuant to Fed. R. Civ. P. 6 (b) (1) (A), hereby respectfully request an order from this honorable Court, granting them an additional twenty-one (21) days within which to file their answer or otherwise respond to Plaintiffs' Complaint herein. The reasons for this motion are set forth are set forth in the Memorandum In Support submitted herewith.



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MEMORANDUM IN SUPPORT

Plaintiffs filed their Complaint on April 10, 2024. Defendants Brandon Perdue and Sherri Perdue (collectively “Defendants”) deny that service of summons has ever been properly achieved upon them by any of the methods permitted by Fed. R. Civ. P. 4 (e). The Clerk’s online docket suggests that Defendant Brandon Perdue was served on May 15, 2024. There is no return of service filed for Defendant Sherri Perdue. Upon information and belief, the United States Postal Service, through its agent(s), placed copies of the Summons and Complaint in Defendants’ residential mailbox. This is not one of the methods of service recognized and approved under the Federal Rules of Civil Procedure or the Ohio Rules of Civil Procedure. Defendants reached out to Plaintiffs’ counsel on May 29, 2024, and offered to waive service pursuant to Fed R. Civ. P. 4 (d) (1). As of the filing of the instant motion, Plaintiffs’ counsel has not responded to that offer.

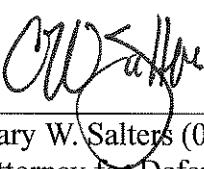
Since Defendants have not been properly served, it is impossible to calculate a precise answer date. Plaintiffs will undoubtedly argue that service was completed on both Defendants on May 15, 2024, making Defendants’ response due on or before June 5, 2024. Out of an abundance of caution, Defendants are asking for an extension of twenty-one days from June 5, 2024, which would make Defendants’ answer or other response to Plaintiffs’ Complaint due on or before June 26, 2024.

Pursuant to Fed. R. Civ. P. 6 (b) (1) (A), “When an act must be done within a specified time, the court may, for good cause, extend that time* * *if a request is made, before the original time or its extension expires.” In the instant case, there is ample good cause to support Defendants’ request for an extension of time. Defendants’ retained counsel less than one week ago. Defendants made an effort to waive service as permitted by Fed R. Civ. P. 4 (d) (1), however, Plaintiffs have failed to respond. Plaintiffs’ Complaint is voluminous. Defendants’ counsel needs additional time

to review the Complaint, consult with Defendants, and prepare Defendants' response. Significantly, Plaintiffs will not suffer any prejudice if the Court grants to requested extension.

For all of the foregoing reasons, for good cause, and in the interest of justice, Defendants' Motion for a 21-day extension of time (to June 26, 2024) to answer or otherwise respond to Plaintiffs' Complaint, should be granted.

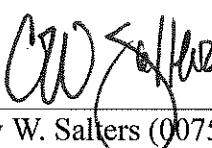
Respectfully Submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Motion for an Extension of Time was served on each attorney of record and the original upon the Clerk of Court this 4th day of June, 2024.



Gary W. Salters (0075470)